

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Shirley Taylor-Prakelt, Director  
Housing & Community Development, 797-1199

**SUBJECT:** Resolution

**COUNCIL DISTRICT:** #1 - Councilmember Tom Truex

**TITLE OF AGENDA ITEM:** A Resolution of the Town of Davie, authorizing the donation of the vacant 4.2 acre site on the Davie Road Extension herein described, to Habitat for Humanity of Broward County, Inc., for the development of the twenty-two (22) single-family homes contemplated in the Town's "Harmony Village Community Redevelopment/Revitalization Plan" for the Driftwood Target Area; and, authorizing the transfer of the Warranty Deed for such property to Habitat for Humanity of Broward County, Inc.

**REPORT IN BRIEF:** On February 7, 2001, the Davie Town Council unanimously adopted Resolution 2001-037 approving the "Harmony Village Community Redevelopment/Revitalization" Plan. This Plan is a holistic approach to neighborhood revitalization which contains both residential and non-residential components. The center-piece of the Plan is the construction of 22 new single-family homes by Habitat for Humanity of Broward, Inc., on land to be donated by the Town of Davie. The vacant site is located on the northeast corner of the Davie Road Ext. and NW 76 Ave.

The time-line contained in the "Harmony Village Plan" contemplated that the land would be donated to Habitat for Humanity by the end of FY 2000/01; however, in order to minimize Habitat's liability or maintenance costs associated with the vacant parcel, the donation was delayed until the Plat was recorded, the Site Plan approved, and the infrastructure designs were completed.

The Broward County Commission unanimously approved the Plat for Harmony Village on April 16, 2002. The Site Plan had previously been approved by the Davie Town Council, contingent upon approval of the Plat by the County Commission. The designs for the infrastructure have been completed by CDI Engineering, and are now ready to be put out to bid.

Given that the above actions are now complete, it is time for the Town to transfer the Warranty Deed to the site to Habitat for Humanity of Broward, Inc., so that they can

proceed with the development of this urgently needed affordable homeowner housing.

**PREVIOUS ACTIONS:** Resolution 2001-037

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** To adopt the Resolution

**Attachment(s):** Resolution , Legal Instrument to Convey Deed

## RESOLUTION\_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DONATION OF THE VACANT 4.2 ACRE SITE ON THE DAVIE ROAD EXTENSION HEREIN DESCRIBED, TO HABITAT FOR HUMANITY OF BROWARD COUNTY, INC., FOR THE DEVELOPMENT OF THE TWENTY-TWO (22) SINGLE-FAMILY HOMES CONTEMPLATED IN THE TOWN'S "HARMONY VILLAGE COMMUNITY REDEVELOPMENT/REVITALIZATION PLAN" FOR THE DRIFTWOOD TARGET AREA; AND, AUTHORIZING THE TRANSFER OF THE FEE SIMPLE TITLE FOR SUCH PROPERTY TO HABITAT FOR HUMANITY OF BROWARD COUNTY, INC.

WHEREAS, On February 7, 2001, the Davie Town Council unanimously adopted Resolution 2001-037 approving the "Harmony Village Community Redevelopment/Revitalization" Plan, for the Driftwood CDBG Target Area, which is a holistic approach to neighborhood revitalization that contains residential and non-residential components; and,

WHEREAS, the center-piece of the Plan is the construction of 22 new single-family homes by Habitat for Humanity of Broward, Inc., on the vacant site located on the NE corner of the Davie Road Ext. and NW 76 Ave., to be donated by the Town of Davie; and,

WHEREAS, The time-line contained in the "Harmony Village Plan" contemplated that the land would be donated to Habitat for Humanity by the end of FY 2000/01; however, in order to minimize Habitat's liability or maintenance costs associated with the vacant parcel, the donation was delayed until the Plat was recorded, the Site Plan approved, and the infrastructure designs were completed; and

WHEREAS, the Site Plan has been approved by the Davie Town Council, the Plat was approved by the Broward County Commission on 4/16/02, and the designs for the infrastructure were completed by CDI Engineering and are now ready to be bid out; and,

WHEREAS, the Town desires to transfer the Warranty Deed for the site to Habitat for Humanity of Broward, Inc., so that they can proceed with the development of this urgently needed affordable homeownership housing.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Mayor or Town Administrator are hereby authorized to execute the transfer of the Warranty Deed for the vacant 4.2 acre parcel located on the Davie Road Extension, as described in Exhibit 1, to Habitat for Humanity of Broward Inc., to construct 22 new single-family homes pursuant to the Harmony Village Community Revitalization/ Redevelopment Plan.

SECTION 2. This Resolution shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

This instrument prepared by:

### **SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 19 day of June, 2002, between the TOWN OF DAVIE, Florida, a municipal corporation, whose address is 6591 Orange Drive, Davie, Florida, 33314, ("Grantor") and HABITAT FOR HUMANITY OF BROWARD, INC., a Florida not for profit corporation, whose address is 3564 N. Ocean Boulevard, Fort Lauderdale, Florida, 33308, ("Grantee")

WITNESSETH THAT:

Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by the Grantee, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, alienated, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee and his heirs or successors and assignees forever, the following parcel of land, situate, lying and being in the County of Broward ("County"), State of Florida ("State"), and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART**

**HEREOF BY REFERENCE**

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Real property taxes for the year 2002 and subsequent years.
2. Zoning and other regulatory laws and ordinances affecting the Land.
3. Easements, rights-of-way, reservations and covenants and restrictions of record.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Land hereby conveyed in fee simple; that it has good right and lawful authority to sell and

convey said Land; that it hereby specially warrants the title to said Land and will defend the same against the lawful claims of any persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, the day and year first above written.

WITNESSES:

TOWN OF DAVIE, FLORIDA, a  
municipal corporation of the  
State of Florida

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as to Town

By: \_\_\_\_\_  
HARRY VENIS, MAYOR

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as to Town

ATTEST: \_\_\_\_\_  
 RUSSELL MUNIZ, TOWN CLERK

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HABITAT FOR HUMANITY OF  
BROWARD, INC., a Florida not  
for profit corporation  
By:\_\_\_\_\_

STATE OF FLORIDA                    )  
  ) SS:

COUNTY OF BROWARD )

The Agreement was acknowledged before me this \_\_\_\_ day of June, 2002, by \_\_\_\_\_, as \_\_\_\_\_ of the Town of Davie, Florida, a municipal corporation, on behalf of the corporation, and (s)he is personally known to me or has produced a driver's license as identification.

Notary Public  
(Notary Seal) State of Florida  
My commission expires:

STATE OF FLORIDA           )  
       ) SS:  
COUNTY OF BROWARD )

The Agreement was acknowledged before me this \_\_\_\_ day of June, 2002, by \_\_\_\_\_, as \_\_\_\_\_ of HABITAT FOR HUMANITY OF BROWARD, INC., a not for profit corporation, on behalf of the corporation, and (s)he is personally known to me or has produced a driver's license as identification.

Notary Public

(Notary Seal)                State of Florida

My commission expires:

## **EXHIBIT A**

**"HARMONY VILLAGE COMMUNITY"**

**GENERAL ADDRESS:** 7575 DAVIE ROAD EXTENSION/GENERALLY LOCATED AT THE NORTHEAST CORNER OF DAVIE ROAD EXTENSION AND NW 76 AVENUE, APPROXIMATELY 1/2 MILE EAST OF UNIVERSITY DRIVE.

**PARCEL SIZE:** 4.206 ACRES (183,213.36 SQUARE FEET)

### **LEGAL DESCRIPTION:**

ALL OF THAT PART OF TRACT 64 LYING NORTH OF DAVIE ROAD EXTENSION, OF "A.J. BENDLE SUB." OF SECTION 3, TOWNSHIP 51 SOUTH, RANGE 41 EAST AS RECORDED IN PLAT BOOK 1, PAGE 27 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LESS THE NORTH 20.00 FEET THEREOF, FOR ROAD RIGHT OF WAY. TOGETHER WITH:

LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 1 OF "DRIFTWOOD ESTATES NO. 21" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 52, PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 64, SECTION 3, TOWNSHIP 51 SOUTH, RANGE 41 EAST, OF "A.J. BENDLE SUB.", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 27 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; TOGETHER WITH ALL OF LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 1, OF "DRIFTWOOD ESTATES NO. 21", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 52, PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; SAID PORTIONS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 10 OF "HARMONY VILLAGE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162, PAGE 37 OF SAID PUBLIC RECORDS OF BROWARD COUNTY; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 3, NORTH 87°45'46" EAST 54.26 FEET; THENCE SOUTH 02°14'14" EAST 30.00 FEET TO THE POINT OF BEGINNING ON THE SOUTH RIGHT OF WAY LINE OF NW 33rd STREET, AS DESCRIBED IN OFFICIAL RECORD BOOK 5986, PAGE 132 OF SAID PUBLIC RECORDS OF BROWARD COUNTY; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 87°45'46" EAST 333.08 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE BEING THE WESTERLY RIGHT OF WAY LINE OF N.W. 75th TERRACE AS SHOWN ON SAID PLAT OF "DRIFTWOOD ESTATES NO. 21"; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: (1) SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°46'27", AN ARC DISTANCE OF 39.61 FEET TO A POINT OF TANGENCY; (2) SOUTH 01°27'47" EAST 364.30 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; (3) SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°01'03", AN ARC DISTANCE OF 28.81 FEET TO A POINT OF TANGENCY OF THE NORTHERLY RIGHT OF WAY LINE OF DAVIE ROAD EXTENSION AS SHOWN ON BROWARD COUNTY ENGINEERING DIVISION DAVIE ROAD EXTENSION PROJECT NO. 5141; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 64°33'16" WEST 76.83 FEET; (2) NORTH 01°27'40" WEST 10.95 FEET; (3) SOUTH 64°33'16" WEST 287.75 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; (4) NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 113°59'16", AN ARC DISTANCE OF 49.74 FEET TO A POINT OF TANGENCY ON THE EASTERLY RIGHT OF WAY LINE OF N.W. 76th AVENUE, AS RECORDED IN OFFICIAL RECORD BOOK 5986, PAGE 132 OF SAID PUBLIC RECORDS OF BROWARD COUNTY; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 01°27'28" WEST 497.03 FEET TO A



POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°13'14" AN ARC DISTANCE OF 38.93 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 183,216 SQUARE FEET (4.206 ACRES) MORE OR LESS.